

REMARKS/ARGUMENTS

Responsive to the Official Action, mailed June 22, 2006, Applicant respectfully request reconsideration of the present application in view of the foregoing amendments to the claims.

By this Amendment, Applicant amends claims 1 and 15-17, and cancels claims 7 and 14. Reconsideration of the rejections set forth in the Office Action in light of the amendments is respectfully requested.

The Office Action objected to the drawings under 37 CFR 1.83(a). The Office Action rejected claims 14-17 under 35 USC §112, second paragraph. The Office Action rejected claims 1, 2, 4, 5, 9, and 11-13 under 35 USC §102(b) over US Patent No. 3510052 to Ruda. Further, the Office Action rejected claims 3, 6-8, under 35 USC §103 over Ruda. These objections and rejections are respectfully traversed.

The Office Action also indicated that claims 14-17 contain allowable subject matter if presented in a definite form. Applicant acknowledges the kind indication of allowable subject matter.

Applicant and his representative thank the courtesies shown to Applicant's representative by Examiner Pascua during the August 29, 2006 telephonic interview. During the interview, the structure of the bag was discussed focusing on the differences between the instant invention and the structure of Ruda. Applicant's representative asserted that the structure of the line of weakness in Ruda is vastly different in structure, function and intent of use. Applicant's representative asserted that clarification of the line of weakness 18 to claim that the line extends

from an edge of the bag/blank to the pocket front flap section and terminating prior to the upper fold line would define allowable subject matter over the applied art, including the primary applied art to Ruda. Examiner Pascua stated that such clarification of the feature could define allowable subject matter. The further content of the telephonic interview is incorporated herein by reference.

The invention is directed to a bag made from a plastic material, where the bag is formed from a blank of material. The bag, as embodied by the invention, comprises, *inter alia*, a middle section panel, a back panel, and a pocket front flap section. The middle section panel comprises a front panel and a rear panel, where the front panel is positioned generally adjacent the back panel so the front panel and the back panel are positioned generally coextensive when the blank is bent at upper fold line to define the bag. The rear panel is generally adjacent the pocket front flap section so the rear panel and the pocket front flap section are positioned generally coextensive when the blank is bent at a fold line to define an opening. The bag also comprises an opening, fold line for pocket front flap, pocket front flap section, and rear panel define a pocket adapted to receive an animal waste collection device. The back panel and the front panel are generally adjacent each other with a lower fold line positioned therebetween, so the front panel and back panel are positioned generally coextensive with each other when the blank is bent at a fold line to define a waste opening; where the waste opening, fold line, front panel, and back panel define a collection pocket formed by the front panel and back panel to accommodate waste that is collected from an animal waste collection device. The bag further defines edges that comprise seal lines. An edge of the back panel is sealed to an edge of the middle section, wherein the edge of the middle section is in general proximity to the back panel, and an edge of the back panel, which is opposite the edge of the middle section that is in general proximity to

the back panel edge, are sealed to an edge of middle section, so the edge of middle section, which is opposite the edge of the middle section that is in general proximity to the back panel edge, is in general proximity to the back panel. The pocket front flap section comprises a line of weakness, the line of weakness extending from a free edge of the pocket front flap section and terminating prior to the upper fold line, the line of weakness divides the pocket front flap section. (emphasis added). The line of weakness is adapted to accommodate an animal waste collection device that used in conjunction with the bag, and the animal waste collection device collects animal waste from the bag at the pocket adapted to receive an animal waste collection device and the collection pocket accepts collected waste from the pocket adapted to receive an animal waste collection device.

Ruda merely discloses a litter bag, which does not teach, suggest, or disclose the bag, as embodied by the invention. Ruda does not teach, suggest, or disclose the claimed features of the invention, including a line of weakness extending from a free edge of the pocket front flap section and terminating prior to the upper fold line, where the line of weakness divides the pocket front flap section. Accordingly, Applicant respectfully submits that the instant invention defines patentable subject matter over the applied art.

In Ruda, the Office Action asserts that the slot for support 27 is a "line of weakness". Applicant respectfully submits that the slot is entirely contained within the bag, and does not extend from a free edge and terminates prior to the upper fold line, where the line of weakness divides the pocket front flap section. Ruda's slot 27 is fully within the bag's periphery, does not divide the bag. Further, Applicant respectfully submits that the slot of Ruda is merely to support

the litter bag, and it is not intended for, nor does Ruda teach, suggest, or disclose that the bag can be used with an animal waste collector.

Applicant respectfully requests that the structure of the Ruda slot be compared to the line of weakness 18, of the instant innovation. As embodied by the invention, the line of weakness 18 extends from a free edge of the pocket front flap section and terminates prior to the upper fold line, the line of weakness divides the pocket front flap section. This inventive aspect of the invention is visible in the figures, for example, but not limited to, Figure 1. This distinguishing feature, along with the other aspects of the instant invention, as set forth in the claimed invention, is respectfully submitted to define allowable subject matter over the applied art.

Accordingly, Applicant respectfully submits that Ruda does not teach, suggest, or disclose the instant invention as set forth in the claims. Accordingly, withdrawal of the rejections based on 35 USC §102 and 35 USC §103 is respectfully requested, and allowance of the application is respectfully solicited.

In summary, Applicant respectfully submits that the instant invention defines allowable subject matter. Allowance of the claims is respectfully requested.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

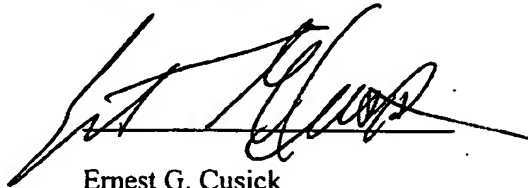
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September 20, 2006

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ernest G. Cusick', written over a horizontal line.

Ernest G. Cusick

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